

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANTHONY DEAN DAVIS, )  
)  
Plaintiff, )  
)  
v. )  
)  
T. D. GENSLER, M.D., DENTIST )  
DEPARTMENT, UNKNOWN )  
NEWTON, Director, UNKNOWN )  
THORNTON, Officer, and )  
DOUGLAS COUNTY, NEBRASKA, )  
)  
Defendants. )

8:07CV39

**MEMORANDUM  
AND ORDER**

This matter is before the court on the Plaintiff's Motion to Appoint Counsel (filing no. 31) and the Plaintiff's Motion for Copies (filing no. 34).

**Motion for Appointment of Counsel**

Plaintiff seeks the appointment of counsel. (Filing No. 31.) However, the court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained that "[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. . . . The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel." *Id.* The request for the appointment of counsel is therefore denied without prejudice.

### **Motion for Copies**

The statutory right to proceed in forma pauperis does not include the right to receive copies of documents without payment. 28 U.S.C. § 1915; *see also Haymes v. Smith*, 73 F.R.D. 572, 574 (W.D.N.Y. 1976) (“The generally recognized rule is that a court may not authorize the commitment of federal funds to underwrite the necessary expenditures of an indigent civil litigant’s action.”) (citing *Tyler v. Lark*, 472 F.2d 1077, 1078 (8th Cir. 1973)). If Plaintiff requires copies of court documents, he should contact the Clerk of the court to determine the proper method of requesting and paying for copies. Plaintiff’s motion for copies is denied.

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Motion to Appoint Counsel (filing no. 31) is denied.
2. Plaintiff’s Motion for Copies (filing no. 34) is denied.

January 23, 2008.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge